

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RANDALL B. HOFLAND,)	
)	
Plaintiff,)	
)	
v.)	1:09-cv-00172-JAW
)	
VARIOUS DEFENDANTS)	

ORDER ON MOTION FOR PRODUCTION OF RECORD

The evening of October 23, 2008, Randall B. Hofland was involved in an altercation with law enforcement officers at a roadblock during which the officers alleged that he pulled a gun and sped off. *State v. Hofland*, 2012 ME 129, ¶ 2, 58 A.3d 1023. After spending the next eight days in the woods evading law enforcement, Mr. Hofland emerged from hiding on October 31, 2008. *Id.* ¶¶ 2-3. He walked into the Stockton Springs Elementary School with a loaded handgun and attempted to forcibly gather the schoolchildren and bring them into a bathroom. *Id.* ¶ 3. When school officials intervened, he pointed the gun at them. *Id.* He then forced his way into a classroom full of fifth grade students and held them against their will until law enforcement arrived. *Id.* After a trial where he was found guilty of multiple violations of state criminal law, Mr. Hofland was sentenced to thirty years, five years, to be served consecutively and ten years and 364 days to be served concurrently. *Id.* ¶ 1.

Determined to portray himself as the victim of his own crimes, from 2009 to 2012, Randall B. Hofland filed multiple civil actions in this Court, none meritorious,

spinning out bizarre conspiracy theories against all manner of persons. On January 18, 2012, the Court issued a *Cok*¹ order, barring him from making any further filings with this Court without first obtaining specific permission to do so from this Court. *Order on Recommended Decisions* at 12 (ECF No. 103) (*Cok Order*). This Court's filing restriction followed a similar warning to Mr. Hofland from the First Circuit Court of Appeals. *Hofland v. Cyr*, 10-1880, Doc. 00116167105 (1st Cir. Feb. 4, 2011) (“[T]his is the sixth appeal that Hofland has recently pursued, each of which has been summarily affirmed. In light of this prior litigation, we warn Hofland that any future frivolous appeal may be subject to sanctions”).

The Court did not hear from Mr. Hofland for quite some time. However, on September 25, 2014, Mr. Hofland attempted to file a new pleading entitled “Plaintiff’s Motion to Vacate Dismissals Pursuant to Fed. R. Civ. P. 60(b)(1)(3)(6)” in which he alleged among other things “a broader pattern of racketeering in Maine’s Judicial Branch involving judges, lawyers, witnesses, and law enforcement.” *Pl.’s Mot. to Vacate Dismissals Pursuant to Fed. R. Civ. P. 60(b)(1)(2)(6)* at 3. There is nothing new about this weird allegation. Mr. Hofland made similar assertions in the multiple civil actions he filed in this Court in 2009 and 2010.

Mr. Hofland had not asked permission to file the motion and therefore, his filing violated the *Cok* order. On October 3, 2014, the Court ordered the Clerk not to file the motion and to return it to Mr. Hofland. *Order* (ECF No. 130). Undeterred, on October 20, 2014, Mr. Hofland filed additional documents, including a belated

¹ *Cok v. Family Court of R.I.*, 985 F.2d 32, 35 (1st Cir. 1993).

motion for leave to file, which the Court dutifully reviewed and deemed meritless, and on October 20, 2014, the Court ordered those returned to him. *Order* (ECF No. 131) (*Order to Strike*); *Order Striking Supplement to Mots.* (ECF No. 132).

On November 10, 2014, Mr. Hofland filed a notice of appeal. *Notice of Appeal* (ECF No. 136). The Court puzzled over what to do about a record on appeal because it had struck all Mr. Hofland's recent documents and ordered them returned to him. *Order on Notice of Appeal and Record on Appeal* (ECF No. 135). As a precaution, the Clerk's Office had scanned the documents before returning the originals to him. However, as there were no docketed documents to create record on appeal, the Court concluded that the wiser course was to send copies of the unfiled pleadings to the Court of Appeals in bulk. *Id.* at 2-3. On November 10, 2014, the Clerk's Office filed a civil certificate, certifying that she had electronically transferred ten filings, including court orders, to the Court of Appeals. *Clerk's Civil Certificate* (ECF No. 138).

On November 20, 2014, Mr. Hofland filed a motion for production of record. *Mot. for Production of Record* (ECF No. 140). In his motion, Mr. Hofland concedes that he "presumptively has the originals of each document mailed to the District Court from which the Order derives." *Id.* at 1. However, he contends that there are "some mailed documents not listed as either received or docketed, e.g., Motion for Leave to File." *Id.* He refers to footnote one in his Notice of Appeal, which reads: "Doc. No. 131 filed with Motion for Leave to File plus other documents not listed as docketed." *Id.* (citing *Notice of Appeal* at 1 n. 1 (ECF No. 136) (emphasis in original)).

First, to the Court's knowledge, Mr. Hofland is incorrect about missing documents. Although Mr. Hofland claims that Docket Number 131, his motion for leave to file, is missing, it is not. The motion is found as attachment one to the Court's Order dated October 20, 2014. There is no evidence of any missing documents.

Second, Mr. Hofland is correct that he has all the documents he attempted to file with this Court because they were returned to him. The Court sees no sense in ordering the Clerk's Office to recopy and resend to Mr. Hofland the same documents it earlier sent back to him.

Third, if Mr. Hofland wished to keep a record of what he attempted to file with the Court, he should have made copies of the documents before he put them in the mail. A Magistrate Judge wrote in a similar pro se case, "it is not the clerk's responsibility to serve as [the plaintiff's] personal secretary and provide him with copies of his own filings." *Widi v. McNeil*, 2:12-cv-001888-JAW, *Order* (ECF No. 67).

Fourth, as Mr. Hofland's recent attempted filings and current motion demonstrate, he has an unusual gift for bollixing up a court docket. Here, as the Court stated in its October 20, 2014 Order, it is "readily apparent that Mr. Hofland persists in pursuing 'bizarre conspiracy theories and meritless private vendettas.'" *Order to Strike* at 2 (quoting *Cok Order* at 11). In its *Cok Order*, the Court observed that "[t]he work of the Court is serious business and parties with meritorious claims must wait while the judges of this District expend untold hours unraveling the procedural tangles Mr. Hofland has wrought by his relentless and frivolous filings." *Cok Order* at 11.

The Court will not order the Clerk to copy and furnish Mr. Hofland with a set of documents that he authored and sent to the Court and that the Clerk returned to him. As it is possible that Mr. Hofland really does not know how to interpret the civil certificate, which refers only to pro se filings and docket numbers, the Court will order that the Clerk's Office issue an amended civil certificate that describes the title of each pro se filing corresponding to docket number that the Court has struck and that the Court has sent to the Court of Appeals. This way Mr. Hofland cannot claim confusion as to what documents were forwarded to the Court of Appeals for the First Circuit.

The Court GRANTS in part and DENIES in part Randall B. Hofland's Motion for Production of Record (ECF No. 140).

SO ORDERED.

Dated: November 25, 2014

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF U.S. DISTRICT JUDGE

Plaintiff

RANDALL B HOFLAND

represented by **RANDALL B HOFLAND**
116217
MAINE STATE PRISON
807 CUSHING RD
WARREN, ME 04864
PRO SE

V.

Defendant

RICHARD LAHAYE
Police Chief of the Town of
Searsport

Defendant
SEARSPORT POLICE

Defendant
SEARSPORT, TOWN OF

Defendant
JESSICA DANIELSON

Defendant
STEVE SAUCIER

Defendant
MIKE LARRIVEE

Defendant
ERIC BONNEY

Defendant
SEARSPORT TOWN MANAGER
TERMINATED: 12/01/2009

Defendant
PAUL HAZARD

Defendant
JAMES GILLWAY
Town Manager of the Town of
Searsport